

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:17-cv-00072-CRC**

PORUP v. CENTRAL INTELLIGENCE AGENCY
Assigned to: Judge Christopher R. Cooper
Cause: 05:552 Freedom of Information Act

Date Filed: 01/12/2017
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

JENS PORUP

represented by **Kelly Brian McClanahan**
NATIONAL SECURITY COUNSELORS
4702 Levada Terrace
Rockville, MD 20853
(301) 728-5908
Fax: (240) 681-2189
Email: kel@nationalsecuritylaw.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Bradley Prescott Moss
LAW OFFICES OF MARK S. ZAID, P.C.
1250 Connecticut Avenue, NW
Suite 700
Washington, DC 20036
(202) 454-2809
Fax: (202) 330-5610
Email: brad@markzaid.com
TERMINATED: 07/20/2017
ATTORNEY TO BE NOTICED

V.

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Eva Lucia Bitran**
UNITED STATES DEPARTMENT OF
JUSTICE
Civil Division, Federal Programs Branch
20 Massachusetts Avenue, NW
Suite 7225
Washington, DC 20001
(202) 514-3259
Email: eva.bitran@usdoj.gov
TERMINATED: 08/18/2017
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Michael Leon Drezner
U.S. DEPARTMENT OF JUSTICE
Trial Attorney, Federal Programs Branch
1100 L Street NW
Room 12210
Washington, DC 20005
(202) 514-4505
Fax: (202) 616-8470
Email: Michael.L.Drezner@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/12/2017	<u>1</u>	COMPLAINT against CENTRAL INTELLIGENCE AGENCY (Filing fee \$ 400 receipt number 0090-4803782) filed by JENS PORUP. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons CIA, # <u>3</u> Summons USADC, # <u>4</u> Summons USAG)(Moss, Bradley) (Entered: 01/12/2017)
01/12/2017	<u>2</u>	NOTICE of ECF Filing Error by JENS PORUP (Moss, Bradley) (Entered: 01/12/2017)
01/12/2017		Case Assigned to Judge Christopher R. Cooper. (zsb) (Entered: 01/12/2017)
01/12/2017	<u>3</u>	SUMMONS (3) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. Attorney and U.S. Attorney General (Attachment: # <u>1</u> Consent Form)(zsb) (Entered: 01/12/2017)
01/24/2017	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 1/23/2017 (Attachments: # <u>1</u> Exhibit Proof of Service)(Moss, Bradley) (Entered: 01/24/2017)
01/24/2017	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 01/23/2017. (Attachments: # <u>1</u> Exhibit Proof of Service)(Moss, Bradley) (Entered: 01/24/2017)
01/24/2017	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/23/2017. Answer due for ALL FEDERAL DEFENDANTS by 2/22/2017. (Attachments: # <u>1</u> Exhibit Proof of Service)(Moss, Bradley) (Entered: 01/24/2017)
02/03/2017	<u>7</u>	Unopposed MOTION for Extension of Time to File Answer by CENTRAL INTELLIGENCE AGENCY (Bitran, Eva) (Entered: 02/03/2017)
02/06/2017		MINUTE ORDER granting <u>7</u> Motion for Extension of Time to Answer: Defendant shall file an answer no later than March 15, 2017. Signed by Judge Christopher R. Cooper on 2/6/2017. (lccrc1) (Entered: 02/06/2017)
03/15/2017	<u>8</u>	MOTION to Dismiss <i>Count II of the Complaint</i> by CENTRAL INTELLIGENCE AGENCY (Bitran, Eva) (Entered: 03/15/2017)
03/29/2017	<u>9</u>	AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY filed by JENS PORUP.(Moss, Bradley) (Entered: 03/29/2017)
03/29/2017	<u>10</u>	NOTICE of Filing of First Amended Complaint by JENS PORUP (Moss, Bradley) (Entered: 03/29/2017)
04/12/2017	<u>11</u>	ANSWER to <u>9</u> Amended Complaint by CENTRAL INTELLIGENCE AGENCY. Related document: <u>9</u> Amended Complaint filed by JENS PORUP.(Bitran, Eva) (Entered: 04/12/2017)
04/13/2017		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties promptly confer and file a joint proposed schedule for briefing or disclosure by April 28, 2017. Signed by Judge Christopher R. Cooper on 4/13/2017. (lccrc1) (Entered: 04/13/2017)
04/13/2017		Set/Reset Deadlines: Joint Proposed Briefing Schedule due by 4/28/2017 (zlsj) (Entered: 04/13/2017)
04/28/2017	<u>12</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Bitran, Eva) (Entered: 04/28/2017)
05/01/2017		MINUTE ORDER: In light of the parties' <u>12</u> Joint Status Report, it is hereby ORDERED that disclosure shall proceed according to the following schedule in this case: Defendant shall provide Plaintiff with URLs for all previously disclosed documents no later than May 1, 2017; Defendant shall make its first production of non-exempt portions of responsive records no later than June 28, 2017; Defendant shall make a second production of non-exempt portions of responsive records no later than August 28, 2017, if needed; Defendant shall make a third production of non-exempt portions of responsive records no later than October 27, 2017, if needed.

		It is further ORDERED that the parties shall propose a joint schedule for briefing on any appropriate motions no later than November 10, 2017. The parties shall brief Counts 1 and 2 together, according to the same briefing schedule. Signed by Judge Christopher R. Cooper on 5/1/2017. (lccrc1) (Entered: 05/01/2017)
07/20/2017	<u>13</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Kelly Brian McClanahan on behalf of JENS PORUP Substituting for attorney Bradley Moss (McClanahan, Kelly) (Entered: 07/20/2017)
08/18/2017	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Michael Leon Drezner on behalf of CENTRAL INTELLIGENCE AGENCY Substituting for attorney Eva L. Bitran (Drezner, Michael) (Entered: 08/18/2017)
10/31/2017	<u>15</u>	Joint STATUS REPORT <i>and Motion for Modification of Production Schedule</i> by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 10/31/2017)
10/31/2017	<u>16</u>	Joint MOTION to Modify <i>Production Schedule</i> by CENTRAL INTELLIGENCE AGENCY, JENS PORUP. (See Docket Entry <u>15</u> to view document). (znmw) (Entered: 11/01/2017)
11/08/2017		MINUTE ORDER granting <u>16</u> Motion for Modification of Production Schedule. While the motion does not provide a satisfactory explanation for why these documents were initially deemed non-responsive, the Court will reluctantly adopt the parties' proposed production schedule. Signed by Judge Christopher R. Cooper on 11/8/2017. (lccrc1) (Entered: 11/08/2017)
11/30/2017		MINUTE ORDER: Because an amended complaint was filed after Defendant filed its motion to dismiss count two of the original complaint, it is hereby ORDERED that <u>8</u> Motion to Dismiss is DENIED AS MOOT. Signed by Judge Christopher R. Cooper on 11/30/2017. (lccrc1) (Entered: 11/30/2017)
09/21/2018	<u>17</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Drezner, Michael) (Entered: 09/21/2018)
09/24/2018		MINUTE ORDER: Upon consideration of <u>17</u> Defendant's Status Report, Plaintiff is hereby ORDERED to notify Defendant by September 28, 2018, of any objections or challenges to the FOIA response in this case, including any objections or challenges to documents produced pursuant to the JFK Act. Signed by Judge Christopher R. Cooper on 09/24/2018. (lccrc1) (Entered: 09/24/2018)
09/25/2018		Set/Reset Deadlines: Plaintiff's objections or challenges to the FOIA response in this case, including any objections or challenges to documents produced pursuant to the JFK Act due by 9/28/2018. (lsj) (Entered: 09/25/2018)
10/31/2018	<u>18</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY. (Drezner, Michael) (Entered: 10/31/2018)
12/10/2018		MINUTE ORDER: Upon consideration of the parties' <u>18</u> Joint Status Report and Proposed Schedule, it is ORDERED that the parties' proposed schedule is adopted. Defendant shall file its motion for summary judgment on or before February 19, 2019; Plaintiff shall file a response and any cross-motion for summary judgment on or before March 15, 2019; Defendant shall file its response and/or reply on or before April 5, 2019; and Plaintiff shall a reply, if necessary, on or before April 26, 2019. Signed by Judge Christopher R. Cooper on 12/10/2018. (lccrc1) (Entered: 12/10/2018)
12/10/2018		Set/Reset Deadlines: Summary Judgment motions due by 2/19/2019. Response to Motion for Summary Judgment due by 3/15/2019. Reply to Motion for Summary Judgment due by 4/5/2019. Replies due by 4/26/2019. (lsj) (Entered: 12/10/2018)
01/17/2019	<u>19</u>	MOTION to Stay by CENTRAL INTELLIGENCE AGENCY (Drezner, Michael) (Entered: 01/17/2019)
01/17/2019		MINUTE ORDER granting <u>19</u> Motion to Stay. All deadlines in the case shall be stayed pending renewed funding. Signed by Judge Christopher R. Cooper on 1/17/2019. (lccrc1) (Entered: 01/17/2019)

01/28/2019	<u>20</u>	NOTICE by CENTRAL INTELLIGENCE AGENCY (Drezner, Michael) (Entered: 01/28/2019)
02/01/2019	<u>21</u>	Consent MOTION to Modify <i>Briefing Schedule</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 02/01/2019)
02/01/2019		MINUTE ORDER granting <u>21</u> Motion to Modify. It is hereby ORDERED that the parties' proposed modified schedule is adopted. Defendant shall file its motion for summary judgment on or before March 29, 2019; Plaintiff shall file a response and any cross-motion for summary judgment on or before April 26, 2019; Defendant shall file its response and/or reply on or before May 24, 2019, 2019; and Plaintiff shall a reply, if necessary, on or before June 21, 2019. Signed by Judge Christopher R. Cooper on 2/1/2019. (lccrc1) (Entered: 02/01/2019)
02/05/2019		Set/Reset Deadlines: Summary Judgment motions due by 3/29/2019. Response to Motion for Summary Judgment due by 4/26/2019. Reply to Motion for Summary Judgment due by 5/24/2019. Replies due by 6/21/2019. (lsj) (Entered: 02/05/2019)
03/26/2019	<u>22</u>	Consent MOTION for Extension of Time to <i>File Motion for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 03/26/2019)
03/26/2019		MINUTE ORDER granting <u>22</u> Consent Motion for Extension of Time. It is hereby ORDERED that the parties shall brief the instant case pursuant to the following schedule: Defendant shall file its motion for summary judgment on or before April 12, 2019; Plaintiff shall file a response and any cross-motion for summary judgment on or before May 10, 2019; Defendant shall file its response and/or reply on or before June 7, 2019; and Plaintiff shall a reply, if necessary, on or before July 12, 2019. Signed by Judge Christopher R. Cooper on 3/26/2019. (lccrc1) (Entered: 03/26/2019)
03/27/2019		Set/Reset Deadlines: Summary Judgment motions due by 4/12/2019. Response to Motion for Summary Judgment due by 5/10/2019. Reply to Motion for Summary Judgment due by 6/7/2019. Replies due by 7/12/2019. (lsj) (Entered: 03/27/2019)
04/12/2019	<u>23</u>	MOTION for Summary Judgment by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1- FOIA Request Correspondence, # <u>3</u> Exhibit 2- Declaration of Antoinette B. Shiner, # <u>4</u> Exhibit 3- Letters Cited by Plaintiff, # <u>5</u> Exhibit 4- Vaughn Index, # <u>6</u> Statement of Facts, # <u>7</u> Text of Proposed Order)(Drezner, Michael) (Entered: 04/12/2019)
04/17/2019	<u>24</u>	ERRATA by CENTRAL INTELLIGENCE AGENCY <u>23</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Exhibit 1- FOIA Request Correspondence, # <u>2</u> Exhibit 2- Declaration of Antoinette B. Shiner, # <u>3</u> Exhibit 3- Letters Cited by Plaintiff, # <u>4</u> Exhibit 4- Vaughn Index)(Drezner, Michael) (Entered: 04/17/2019)
05/10/2019	<u>25</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION for Summary Judgment by JENS PORUP (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 05/10/2019)
05/13/2019		MINUTE ORDER granting <u>25</u> Consent Motion for Extension of Time to File Response/Reply re <u>23</u> MOTION for Summary Judgment. Plaintiff shall file a response by May 17, 2019. Signed by Judge Christopher R. Cooper on 5/13/2019. (lccrc1) (Entered: 05/13/2019)
05/13/2019		Set/Reset Deadlines: Response to Motion for Summary Judgment due by 5/17/2019. (lsj) (Entered: 05/13/2019)
05/17/2019	<u>26</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION for Summary Judgment by JENS PORUP (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 05/17/2019)
05/21/2019	<u>27</u>	Memorandum in opposition to re <u>23</u> MOTION for Summary Judgment filed by JENS PORUP. (Attachments: # <u>1</u> Exhibit A - McClanahan declaration, # <u>2</u> Exhibit B - Bosanko-McClanahan email, # <u>3</u> Exhibit C - NARA 1602-1, # <u>4</u> Exhibit D - Slaughter Lavergne declaration, # <u>5</u> Exhibit E - Released records, # <u>6</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 05/21/2019)

05/21/2019	<u>28</u>	NOTICE OF SUPPLEMENTAL AUTHORITY by JENS PORUP (Attachments: # <u>1</u> Exhibit F – New denial letters)(McClanahan, Kelly) (Entered: 05/21/2019)
05/21/2019	<u>29</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>23</u> MOTION for Summary Judgment by JENS PORUP (Attachments: # <u>1</u> Text of Proposed Order)(McClanahan, Kelly) (Entered: 05/21/2019)
05/21/2019		MINUTE ORDER granting, nunc pro tunc <u>29</u> Plaintiff's Motion for Extension of Time to Respond to <u>23</u> Defendant's Motion for Summary Judgment. Response due May 20, 2019. Signed by Judge Christopher R. Cooper on 5/21/2019. (lccrc1) Modified on 5/21/2019 (zlsj). (Entered: 05/21/2019)
05/21/2019		MINUTE ORDER granting, nunc pro tunc <u>26</u> Motion for Extension of Time to File Response. Signed by Judge Christopher R. Cooper on 5/21/2019. (lccrc1) Modified on 5/21/2019 (zlsj). (Entered: 05/21/2019)
06/03/2019	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 06/03/2019)
06/07/2019		MINUTE ORDER granting <u>30</u> Motion for Extension of Time. The government shall file its reply by June 28, 2019. No further extensions shall be granted. Signed by Judge Christopher R. Cooper on 6/7/2019. (lccrc1) (Entered: 06/07/2019)
06/07/2019		Set/Reset Deadlines: Replies due by 6/28/2019. (lsj) (Entered: 06/07/2019)
06/28/2019	<u>31</u>	REPLY to opposition to motion re <u>23</u> MOTION for Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY. (Attachments: # <u>1</u> Exhibit 1– Corrected Vaughn Index)(Drezner, Michael) (Entered: 06/28/2019)
08/09/2019	<u>32</u>	Joint MOTION for Scheduling Order by CENTRAL INTELLIGENCE AGENCY (Attachments: # <u>1</u> Text of Proposed Order)(Drezner, Michael) (Entered: 08/09/2019)
08/14/2019		MINUTE ORDER granting <u>32</u> Joint Motion for Scheduling Order. The supplemental briefing schedule shall proceed as follows: Defendant shall file its supplemental brief on or before September 20, 2019; Plaintiff shall respond to that supplemental brief on or before October 11, 2019; Plaintiff shall file his motion for leave to file a sur-reply to <u>31</u> Defendant's prior reply brief on or before October 11, 2019. SO ORDERED. Signed by Judge Christopher R. Cooper on 8/14/2019. (lccrc1) (Entered: 08/14/2019)